

MEMO ENDORSED

LAW OFFICES OF BONNIE SPIRO SCHINAGLE

6800 Jericho Turnpike, Suite 120W

Syosset, N.Y. 11791

(516)967-5874

Bschinagle@schinaglelaw.com

March 13, 2025

By ECF and email

Hon. Katherine Polk Failla

Failla_NYSDChambers@ nysd.uscourts.gov

Maxim Maiello

Mamaiello@law.nyc.gov

Re: H.A.L., individually and on behalf of M.L., a child with a
disability -Against- New York City Department of Education,
Case CV. 24-06879

Request for Extension of time to file motion

Request to file record under seal

Your Honor:

My office represents the Plaintiffs in this matter, which seeks review of the findings of an Impartial Hearing Officer (IHO) and State Review Officer (SRO) concerning matters arising under the Individuals with Disabilities in Education Act (IDEA), 42 U.S.C. §1400 *et seq.* and New York State Education Law. This letter motion seeks 1) extension of the briefing schedule for both parties by 10 days and 2) a request that the Record be filed under seal.

1. Request for Extension of Briefing Schedule

A briefing schedule in the Proposed Case Management Order was for Plaintiff's summary judgment motion submission by March 3, 2025. A pre-motion conference was held on February 16, 2025. Subsequently, you granted my office's request for an extension of time to file the brief; the current due date is March 17, 2025. I am writing today to ask for a second extension until March 27, 2025. As such, I am asking that the briefing schedule be pushed forward for both parties with deadlines as follows:

Plaintiff's brief March 28, 2025;

Defendant's opposition and cross-motions April 28, 2027;

Plaintiff's opposition to cross motions on May 28, 2025; and

Defendant's reply due June 10, 2025

I have consulted with Defendant and they are amenable to the request, so long as their time to respond is similarly extended.

2. Request to file the Record under Seal

As indicated in the case caption, this matter involves claims relating to the education of a minor child. The unredacted documents contain identifying information, including the child's name and birthdate, as well as a copy of a check written by the parent and the name and address of the school that the child attends. Permitting the record to be filed under seal would protect against public access against giving the public ready access to this information out of concern for the parent and child's safety. Accordingly, it is respectfully requested that you grant permission for the record to be filed under seal along with a copy of this letter.

Defendant's counsel has agreed to permit the Record to be filed under sealed.

Respectfully submitted,

//Bonnie Schinagle
Bonnie Spiro Schinagle, Esq.

Application GRANTED in part.

The briefing schedule is hereby revised as follows:

-Plaintiffs shall file their opening brief on or before **March 28, 2025;**

-Defendant shall file its opposition and cross-motion on or before **April 28, 2025;**

-Plaintiffs shall file their opposition and reply on or before **May 28, 2025;** and

-Defendant shall file its reply on or before **June 23, 2025.**

Plaintiffs are directed to follow the procedures in Rule 9(B)(i)-(ii) of this Court's Individual Rules of Practice in Civil Cases in filing a request to file documents under seal.

The Clerk of Court is directed to terminate the pending motion at docket entry 29.

Dated: March 14, 2025
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE